

Appl. No.: 09/851,480
Amdt. dated 06/14/2006
Reply to Office action of March 15, 2006

REMARKS/ARGUMENTS

Applicant kindly requests entry of the above amendments to the claims and the below remarks after final rejection, on the grounds that they place the application in a better condition for appeal.

Applicant would first like to thank the Examiner for granting an interview to discuss the final rejection received in this matter. Since no agreement was reached, the applicant further requests reconsideration of the rejected claims of the application in view of the above changes to the claims and the following remarks, which are responsive to the Office Action mailed March 15, 2006.

I. Interview Summary

In the interview conducted with the Examiner on May 17, 2006, Applicant reiterated the assertion that none of the prior art references of the Final Office Action received taught or suggested "providing each recipient with a plurality of time windows from which the receipt may choose a time for delivery of an item, wherein said plurality includes at least two sequential time windows and at least one overlapping time window that overlaps a portion of each of the sequential time windows," as is required by Applicant's Claim 1.

In order to place the claim, and, in particular, this step of Claim 1 in a real-world context, we asked the Examiner to suppose that you offer a customer (i.e., the recipient of a package) a choice between having an item delivered between 9:00 AM and 11:00 AM and between 11:00 AM and 1:00 PM. If the customer is not available until 10:00 AM, he or she will be forced to select the 11:00 AM to 1:00 PM time slot, even though he or she is available and could have received the package earlier. One obvious option for alleviating this problem would be to simply shorten the time periods offered. For example, the customer may be offered time slots 9-10:00 AM, 10-11:00 AM, 11:00 AM - 12:00 PM, and 12-1:00 PM. However, shortening the time period within which a driver may deliver a package may cause problems for the driver and the delivery company. It limits their flexibility in selecting the most efficient route between stops

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and may even force the driver to go back to different areas multiple times within a given day just to make sure he or she delivers the packages within the confined window of time.

A better solution or option for alleviating the problem is to offer overlapping time windows – i.e., at least two sequential time windows (e.g., 9:00 AM – 11:00 AM and 11:00 AM – 1:00 PM) and at least one overlapping time window that overlaps a portion of each of the sequential time windows (e.g., 10:00 AM – 12:00 PM). The advantage of this method, which is claimed in Applicant's Claim 1, is that it allows the customer to have more choices, yet does not limit the amount of time within which the driver can deliver the package. Continuing the above example, the customer is able to select the 10:00 AM – 12:00 PM time slot, thus not having to wait until possibly 1:00 PM before the package is delivered, yet the driver is provided a longer amount of time within which to work.

In response to the above description of the advantages that can be gained by practicing the method of Claim 1, the Examiner stated that these advantages were not described in the claim. However, it is Applicant's contention that the advantages gleaned from the use of a claimed method need not be specifically detailed in the claim itself and, instead, are merely the natural byproduct of performing the novel steps of the claimed method. Applicant asked the Examiner to clarify how he was interpreting the claims if not to be directed toward a method that would produce the above-described advantage. In response, the Examiner merely suggested amending the claims to include either language directed toward the advantages discussed or the limitations of a particular dependent claim.

At the conclusion of the interview, it was still unclear to Applicant how the Examiner was interpreting the claims if not to disclose a method from which the above-described advantages can be gained.

II. Claim Amendments

As a result of this response, Claims 1, 3-9, 11-16 and 18-40 remain pending in the application, Claims 2, 10, and 17 have been canceled, and dependent Claims 4 and 11 are currently amended. The amendments to dependent Claims 4 and 11 have been made in order to correct errors found in their dependencies. In particular, dependent Claims 4 and 11 incorrectly

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depended from canceled Claims 2 and 10, respectively. As amended, Claims 4 and 11 now correctly depend from pending independent Claims 1 and 9, respectively. Applicant respectfully asserts that the amendments made to these dependent claims raise no new issues, and, therefore, requests that they be entered and substantively considered at this juncture.

III. Conclusion

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office Fax No. (571) 273- 8300 on the date shown below.

01/14/06
Date